IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2375 OF 2005

Mushtaq Fakir Mohammed Qureshi ..Petitioner
Vs.
State of Maharashtra & Ors. ..Respondents.

Mr. A.R. Pande for the petitioner.

Mr. A.S. Shitole,A.P.P. for the State.

**CORAM : SMT. RANJANA P. DESAI &
ANOOP V.MOHTA JJ.**

DATE : 14TH OCTOBER, 2005.

P.C.

. The learned A.P.P., Mr. Shitole for the respondents states that against the order dated 16/6/2005, passed by the District Magistrate, Nasik an appeal is maintainable before the State Government under third proviso to section 33(1) of the Bombay Police Act. If that is so, since other efficacious remedy is available to the petitioner, this petition cannot be maintained. The petitioner may challenge the order dated 16/6/2005 before the State Government. If the said appeal is preferred, the State Government shall deal with it in accordance with law and intimate the result to the petitioner. It appears that some time has

been lost because the petitioner bonafide believed that the present petition is maintainable as there was no appeal contemplated in law. In the circumstances, in case any objection as regards limitation is taken by the respondents it shall be considered sympathetically If such appeal is filed, the State Government shall decide, it as expeditiously as possible and at any rate within a period of six weeks from the date of receipt of the appeal. The petitioner shall communicate this order to the State Government. This Court has not expressed any opinion or any of the questions involved i.n this petition. The petition is disposed of in the aforestated terms.

(SMT. RANJANA P.DESAI, J)

[ANOOP V. MOHTA, J.]